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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-862**

13 **KATHY JEANNINE WILLIAMS**
30803 Sherwood St.
14 Lucerne Valley, CA 92356

A C C U S A T I O N

15 **Registered Nurse License No. 367944**

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about January 31, 1984, the Board of Registered Nursing issued Registered
25 Nurse License Number 367944 to Kathy Jeannine Williams ("Respondent"). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on April 30, 2012, unless renewed.
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1 JURISDICTION

2 3. This Accusation is brought before the Board of Registered Nursing ("Board"), under
3 the authority of the following laws. All section references are to the Business and Professions
4 Code ("Code") unless otherwise indicated.

5 4. Code section 118(b) provides:

6 "The suspension, expiration, or forfeiture by operation of law of a license issued by
7 a board in the department, or its suspension, forfeiture, or cancellation by order of
8 the board or by order of a court of law, or its surrender without the written consent
9 of the board, shall not, during any period in which it may be renewed, restored,
10 reissued, or reinstated, deprive the board of its authority to institute or continue a
disciplinary proceeding against the licensee upon any ground provided by law or to
enter an order suspending or revoking the license or otherwise taking disciplinary
action against the licensee on any such ground."

11 STATUTORY PROVISIONS

12 5. Section 2750 of the Code provides, in pertinent part:

13 "Every certificate holder or licensee, including licensees holding temporary licenses, or
14 licensees holding licenses placed in an inactive status, may be disciplined as provided in this
15 article [Article 3 of the Nursing Practice Act (Bus. & Prof Code, ' 2700 et seq.)]. As used in this
16 article, "license" includes certificate, registration, or any other authorization to engage in practice
17 regulated by this chapter. The proceedings under this article shall be conducted in accordance
18 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
19 Government Code [the Administrative Procedure Act], and the board shall have all the powers
20 granted therein."

21 6. Section 2764 of the Code provides:

22 "The lapsing or suspension of a license by operation of law or by order or decision of the
23 board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive the
24 board of jurisdiction to proceed with any investigation of or action or disciplinary proceeding
25 against such license, or to render a decision suspending or revoking such license."

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1 7. Section 2761 of the Code states in pertinent part:

2 "The board may take disciplinary action against a certified or licensed nurse or
3 deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:"

4 "(f) Conviction of a felony or of any offense substantially related to the
5 qualifications, functions, and duties of a registered nurse, in which event the record
6 of the conviction shall be conclusive evidence thereof."

6 8. Section 490 of the Code states in pertinent part:

7 "(a) In addition to any other action that a board is permitted to take against a
8 licensee, a board may suspend or revoke a license on the ground that the licensee
9 has been convicted of a crime, if the crime is substantially related to the
10 qualifications, functions, or duties of the business or profession for which the
11 license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority
12 to discipline a licensee for conviction of a crime that is independent of the authority
13 granted under subdivision (a) only if the crime is substantially related to the
14 qualifications, functions, or duties of the business or profession for which the
15 licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty
16 or a conviction following a plea of nolo contendere. Any action that a board is
17 permitted to take following the establishment of a conviction may be taken when
18 the time for appeal has elapsed, or the judgment of conviction has been affirmed on
19 appeal, or when an order granting probation is made suspending the imposition of
20 sentence, irrespective of a subsequent order under the provisions of Section 1203.4
21 of the Penal Code..."

16 9. Section 493 of the Code states:

17 "Notwithstanding any other provision of law, in a proceeding conducted by a board
18 within the department pursuant to law to deny an application for a license or to
19 suspend or revoke a license or otherwise take disciplinary action against a person
20 who holds a license, upon the ground that the applicant or the licensee has been
21 convicted of a crime substantially related to the qualifications, functions, and duties
22 of the licensee in question, the record of conviction of the crime shall be conclusive
23 evidence of the fact that the conviction occurred, but only of that fact, and the board
24 may inquire into the circumstances surrounding the commission of the crime in
25 order to fix the degree of discipline or to determine if the conviction is substantially
26 related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and
27 "registration."

23 REGULATORY PROVISIONS

24 10. California Code of Regulations, Title 16, section 1444, provides, in pertinent part: "A
25 conviction or act shall be considered to be substantially related to the qualifications, functions or
26 duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness
27 of a registered nurse to practice in a manner consistent with the public health, safety, or
28 welfare..."

1 **COST RECOVERY**

2 11. Section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Substantially Related Crime)**

8 12. Respondent's license is subject to discipline under Code sections 490 and 2761(f) for
9 unprofessional conduct because the Respondent has been convicted of a felony or of any offense
10 substantially related to the qualifications, functions, and duties of a registered nurse. The
11 circumstances are as follows:

12 a. On or about July 15, 2003, in the Superior Court of the State of California, County of
13 San Bernardino, as part of a negotiated plea agreement, the Respondent entered a plea of nolo
14 contendere and was convicted of the crime of Battery, in violation of Penal Code section 242, a
15 misdemeanor. The Respondent was sentenced to two (2) years probation, ordered to serve 6 days
16 in jail and stay away from the victim. (*People v. Kathy Jeanine Williams, Superior Court of the*
17 *State of California, County of San Bernardino, Case No: FVI013603, 07/15/2003*).

18 b. The facts and circumstances surrounding the criminal conviction is that on or about
19 June 20, 2001, the Respondent went to the Lucerne Valley School District Headquarters
20 accompanied by her spouse and demanded to see the school district superintendent. The
21 Respondent was upset with several school policies. The Respondent forced her way into an
22 office and aided in the handcuffing and violent kidnapping of the school district superintendent.
23 The Respondent also aided in forcing the kidnapping victim into the backseat of a vehicle, which
24 she drove away from the scene. A police roadblock helped capture the Respondent and free the
25 victim.

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1 PRAYER

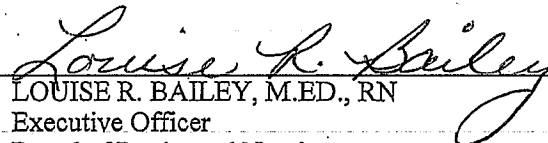
2 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 367944, issued to
5 Respondent Kathy Jeannine Williams;

6 2. Ordering Respondent Kathy Jeannine Williams to pay the Board of Registered
7 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
8 Business and Professions Code section 125.3; and

9 3. Taking such other and further action as deemed necessary and proper.

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11 DATED: 4/19/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
State of California
Complainant

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